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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,485	11/13/2003	Kwang Nam Kim	04085-P0001A	8332
24126	7590	08/10/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			DANG, HUNG XUAN	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			2873	

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,485

Applicant(s)

KIM, KWANG NAM

Examiner

Hung X Dang

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Information Disclosure Statement

1. If applicant is aware of any relevant prior art, he/she requested to cite it on form **PTO-1449** in accordance with the guidelines set forth in M.P.E.P. 609.

Drawings

2. Figure 7 and 7A should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In page 5, "Fig. 7" should be changed to --Fig. 7A--, and "Fig.7A" should be changed to --Fig. 7B-- for consisting with the drawings.

Appropriate correction is required.

Claims Rejection Under 35 USC - 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Friedman** (6,234,628).

Friedman discloses enclosed spring bridge mechanism for clip-on sunglasses which comprises a pair of lens frames (18, 20) with corresponding colored lenses (22, 24) fitted therein; prongs (26, 28, 30, 32) formed at the outside of each frame, the prongs being vertically spaced apart from each other such that the prongs are fitted around a corresponding frame of the spectacles; bridge elements (34, 36) joined to the tops of the frames and the tops of the frames, respectively, so that the bridge elements are connected between the frames, and a length adjusting device (38) mounted between bridge elements for adjusting the length of the bridge elements, extended from wherein the length adjusting device comprises: a cylindrical housing (40) with a length sufficient for the sunshade clip to be easily engaged with the frames of the spectacles from the outsides of the t the spectacles, the housing having an inner wall formed longitudinally therein; caps (42, 44') attached to both sides of the housing, respectively, each of the caps having a through-hole for allowing the corresponding bridge element to move in and out therethrough, stoppers (46 see fig. 3) formed at the end of the bridge

Art Unit: 2873

elements, respectively, the ends of the stoppers being placed inside the housing, and coil springs (53, 54) disposed between the stoppers and the caps, respectively, for forcing the bridge elements towards each other, the inner wall (45) of the housing and the stoppers (46) together forming rotation preventing units (the protrusions 52 and 56 of the stoppers (46) being cooperate with slots 48 and 49 of the inner wall having for preventing rotation of the bridge elements) preventing rotation of the bridge elements respectively, when the bridge elements are moved. (see figures 1, 3, 7, 8 and the related disclosure.)

5. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

8/04



HUNG DANG

PRIMARY EXAMINER

TC 2800